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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,135	08/16/2001	Takanori Nishimura	212768US6	1259

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ALEXANDRIA, VA 22314

EXAMINER

KWON, MIN S

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,135

Applicant(s)

NISHIMURA ET AL.

Examiner

Min S. Kwon

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/16/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/1/2001</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 have been examined.
2. The following is a list of
3. The following is a list of related applications
 - a. Application No. 09930135 (status is pending)
 - b. Application No. 09944080 (status is pending)
 - c. Application No. 09946578 (status is unknown)
 - d. Application No. 09947324 (status is unknown)

Priority

4. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2000-264580, filed on 8/31/2000.

Specification

5. The disclosure is objected to because of the following informalities:
 - a. Abstract lines 1-2, 9-10. The phrase "...to notify people who are wanted to see the content..." is grammatically incorrect.
 - b. Summary of the Invention lines 3-4. The phrase "...to inform people who are wanted to see content...", is grammatically incorrect.
 - c. Summary of the Invention lines 4-6. The phrase "...without bothering work in the case of distributing the content..." is grammatically incorrect.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 9-11, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,564,380 to Murphy.

8. As to claims 1, 9 and 17, Murphy discloses a content distribution notification method, apparatus and program storage medium for storing a program to be executed by a reservation control apparatus, comprising:

- a. A reservation requesting step of sending reservation request information, including desired service time to use the distribution server and contact addresses of clients who should be informed, that the content distribution will be performed from the distributor terminal apparatus to the reservation control apparatus via a network (col. 3, lines 34-40; col. 7, lines 30-35; col. Lines 30-34). Desired service time to use the distribution server and contact addresses of clients are essential information that a reservation system needs in order to function properly.
- b. A notifying step of sending the notification information for notifying that the content distribution will be performed from said reservation control apparatus to the contact addresses of said clients via the network when the content distribution using

said distribution server in said desired service time included in said reservation request information is permitted (col. 12, lines 27-34).

9. As to claims 2 and 10, Murphy discloses content distribution notification method and reservation control apparatus, wherein said notification information includes access information for connection to said distribution server (col. 3, lines 35-45).

10. As to claims 3 and 11, Murphy discloses a content distribution notification method and reservation control apparatus, wherein reservation requesting step is to send reservation request information including authentication information for the client user to acquire a permission to access said distribution server, and said notification information includes said authentication information (col. 10, lines 45-51).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of U.S. Patent Number 6,751,401 to Arai et al.

As to claims 4 and 12, Murphy teaches a reservation system and method but does not explicitly teach a cancellation notification step of sending cancellation notification information from the reservation control apparatus to the contact addresses of said clients via a network.

Arai teaches a broadcast system which allows users to make a reservation for a target program in various ways, including a means for notifying the user of a failure of the reservation when the broadcasting of the program is canceled (col. 4, lines 62-68).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Murphy to include means for notifying the user of a reservation cancellation, motivated to keep the users informed of the failure of the reservation (col. 3, lines 66-67).

13. Claims 5, 8, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of U.S. Patent Number 6,496,568 to Nelson.

a. As to claims 5 and 13, Murphy teaches a reservation system and method but does not explicitly teach a notification step of sending change notification information from the reservation control apparatus to the contact addresses of said clients via a network.

Nelson teaches a real-time automatic notification system, giving an airline reservation system as an example, where change notification, such as change in gate, may be sent (col. 6, lines 19-23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Murphy with the invention of Nelson to include the change notification, motivated by the need to keep the users informed of the change in reservation.

b. As to claims 8 and 16, Murphy teaches a reservation system and method but does not explicitly teach that the notification be sent to the client's e-mail address, which is designated as the contact address.

Nelson teaches a real-time automatic notification system where the notification is provided through email (col. 1, lines 64-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Murphy with the invention of Nelson to provide notifications through e-mail, motivated to communicate via standard communication channels.

14. Claims 6, 7, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of U.S. Patent Number 5,978,770 to Waytena et al.

As to claims 6, 7, 14 and 15, Murphy teaches a reservation system and method but does not explicitly teach of sending a notification to confirm the reservation via a network.

Waytena teaches a system for assigning and managing patron reservations to one or more of plurality of attractions and also provides a confirmation notification (col. 3, lines 17-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Murphy with the invention of Waytena to include the confirmation notification, motivated to reduce mistakes in reservation.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Number 6,760,916 to Holtz et al. discloses a multimedia production and distribution system.

U.S. Patent Number 6,792,615 to Rowe et al. discloses systems and methods for creating and distributing programming content carried by a digital streaming media to be a plurality of remote nodes located over a large geographical area to create customized broadcast quality programming at the remote nodes.

U.S. Patent Number 6,728,753 to Parasnis et al. discloses a system and method for broadcasting a presentation over a computer network to an online audience.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min S. Kwon whose telephone number is (571) 272-7216. The examiner can normally be reached on 8 AM - 4:30 PM (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HONG VU



Min Kwon

